

VARACALLI & HAMRA, LLP

VARACALLI & HAMRA, LLP
32 Broadway, Ste. 1818,
New York, NY 10004

Tel: 646-590-0571
Fax: 646-619-4012
Web: www.vhllp.com

6.21.18

VIA ECF

Chief Mag. Judge Roanne L. Mann
United States District Court, EDNY
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Bonikos et al v. Foodoni NY 23 Corp. et al, Case 1:17-cv-02162-AMD-RLM

Your Honor,

I represent Plaintiffs in the above action. Yesterday, Defendants filed a notice of defendant, Panos Seretis' bankruptcy filing. In response, your honor affirmed today that the filing does not automatically stay the current deadlines for the remaining defendant, Foodoni NY 23 Corp. Thus, as to Foodoni NY 23 Corp, the Parties are required to file a joint pre-trial order by June 22, 2018.

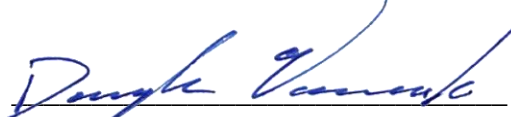
I write to request a one-week extension of the parties' deadline to submit their proposed joint pre-trial order in light of Defendants' failure to provide their proposed witness and exhibit schedules and provide meaningful input on stipulated facts. Generally, the responsibility to assure that the proposed pre-trial order is completed and filed rests on Plaintiffs. However, thus far Defendants have not provided information necessary for the submission of a useful proposed pre-trial order. Therefore, Plaintiffs are forced to move the Court for more time in the hopes that Defendants' additions will be forthcoming.

On June 14, 2018, Plaintiffs sent their proposed joint pre-trial order to Defendants, including Plaintiffs' statement of claims, statement of damages, witness schedule, exhibit schedules and proposed stipulations of fact and law. We asked that Defendants provide their witness list, exhibit list, and review Plaintiffs' proposed stipulations of fact and law. On June 19, 2018, Defendants provided a short statement of their defenses but refused to stipulate to any facts whatsoever. We sent an email to Defendants' counsel later that day alerting them that we regarded any categorical refusal to stipulate to facts as counter-productive and frivolous. In response, Defendants agreed to 10 very basic legal and factual stipulations. Troublingly, as of the date of this letter, Defendants continue to refuse to stipulate to facts that have been uncontroverted since the beginning of the case including facts clearly admitted to in Defendants' Answer and facts unanimously admitted to in deposition. To date, Defendants have further failed to provide a schedule of their exhibits or witnesses for inclusion in the proposed pre-trial order.

I respectfully request that Your Honor extend the filing deadline for a period of one week and direct Defendants to work with our firm in good faith to complete the joint pre-trial order. This is Plaintiffs first request for an extension of the deadline to file the proposed joint pre-trial order.

Truly Yours

VARACALLI & HAMRA, LLP



By: Douglas Varacalli (DV3756)

Attorneys for Plaintiffs

YANNIS BONIKOS, DIMITIRIOS

OIKONOMOPOULOS, and RIGEL SHAHOLLI

32 Broadway, Ste 1818

New York, NY 10004

Tel.: (646) 590-0571

Fax.: (646) 619-4012

E-mail: Dvaracalli@vhllp.com